

Rakoff, J

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA

-v.-

MARC DREIER,

Defendant.

- - - - - x

:

: SUPPLEMENTAL ORDER FOR THE  
INTERLOCUTORY SALE OF SPECIFIC  
: PROPERTY

: 09 Cr. 85 (JSR)

:

WHEREAS, on February 26, 2009, upon the Stipulation of the parties, the Honorable Jed S. Rakoff, sitting in Part I, entered an Order (the "Sale Order"), a true and accurate copy of which is attached hereto as Exhibit A, for, among other things, appointment of a substitute custodian and interlocutory sale of one 2005 31.85-meter Heesen Yacht Builders B.V. motor yacht, then-registered in the Cayman Islands, Registration No. 737657, under the vessel name "Seascape," and certain related equipment used in conjunction with Seascape, including, without limitation, that certain 31' Novurania tender, Delaware registration number DL1449AB, a 11' Yamaha, Delaware Registration number DL8142AB, and a 7' Yamaha, Delaware registration number DL8141AB, (collectively, the "Subject Property"); and

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ELECTRONICALLY FILED
DOC #:
DATE FILED: 6-25-09

**WHEREAS**, the Government, Wachovia, and Defendant, Marc Dreier, further stipulate and agree that certain modifications to the Sale Order are necessary to facilitate the interlocutory sale of the Subject Property and that no party has any objection to the sale of the Subject Property pursuant to the terms of a certain Memorandum of Agreement, with Addenda, a true and accurate copy of which is attached hereto as Exhibit B (the "Agreement");

**NOW, THEREFORE, IT IS HEREBY ORDERED** that:

1. Except as provided herein, all of the provisions of the Sale Order shall remain in full force and effect without modification. If any part or provision of this Supplemental Order is contrary to or conflicts with any part or provision of the Sale Order, this Supplemental Order shall control and govern with respect to such conflict.

2. Wachovia is hereby designated as mortgagee-in-possession for the Subject Property and shall continue to maintain custody and care of the Subject Property in such capacity until the closing of the sale of the Subject Property.

3. As mortgagee-in-possession, Wachovia shall be permitted to sell the Subject Property pursuant to the terms of the Agreement for Eleven Million Dollars (\$11,000,000) to

Junport International Ltd., which sale shall be consummated on or about June 23, 2009.

4. Wachovia shall retain all proceeds from the sale of the Subject Property and shall be permitted to apply the proceeds to the sums due to Wachovia under the terms of the mortgage, which bears the heading, "account current, & c," is dated January 14, 2008, and was recorded in the Cayman Islands Shipping Registry ("CISR") on January 20, 2008, as a first priority mortgage encumbering the vessel "Seascope" registered with the CISR and assigned Official No. 737657, and under paragraph 6 of the Sale Order. The parties consent to the sale of the Subject Property pursuant to the terms of Agreement, attached as Exhibit B.

5. The signature pages of this Stipulation and Supplemental Order may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument. Fax copies shall be treated as originals.

6. The Court shall have exclusive jurisdiction over the interpretation and enforcement of this Stipulation and Order.

7. This Stipulation and Supplemental Order constitutes the complete agreement between the signatories hereto and may not be amended except by written consent.

8. The Clerk of the Court shall forward four certified copies of this Order to Assistant United States Attorney Anna Arreola, One St. Andrew's Plaza, New York, New York, 10007.

**LEV L. DASSIN**

Acting United States Attorney for the  
Southern District of New York  
Attorney for Plaintiff

By:

SHARON COHEN LEVIN

DATE

ANNA E. ARREOLA  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
(212) 637-1060/2218

**MCCARTER & ENGLISH, LLP**

Attorneys for Wachovia Bank, National  
Association

By:

  
CLEMENT J. FARLEY

DATE

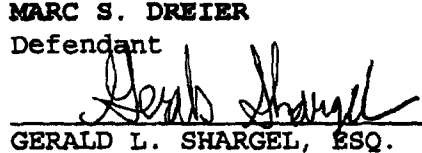
*June 18, 2009*

A Member of the Firm  
245 Park Avenue, 27th Floor  
New York, New York 10167

**MARC S. DREIER**

Defendant

By:

 / *Evan Lipton, Esq.*  
GERALD L. SHARGEL, ESQ.  
Attorney for Marc Dreier  
570 Lexington Avenue, 45<sup>th</sup> Floor  
New York, New York 10022

DATE

*June 19, 2009*

SO ORDERED:

\_\_\_\_\_  
THE HONORABLE JED S. RAKOFF  
UNITED STATES DISTRICT JUDGE

8. The Clerk of the Court shall forward four certified copies of this Order to Assistant United States Attorney Anna Arreola, One St. Andrew's Plaza, New York, New York, 10007.

**LEV L. DASSIN**

Acting United States Attorney for the  
Southern District of New York  
Attorney for Plaintiff

By: 

SHARON COHEN LEVIN

DATE June 18, 2009

**ANNA E. ARREOLA**

Assistant United States Attorney  
One St. Andrew's Plaza  
New York, New York 10007  
(212) 637-1060/2218

**McCARTER & ENGLISH, LLP**

Attorneys for Wachovia Bank, National  
Association

By: 

CLEMENT J. FARLEY

DATE June 18, 2009

A Member of the Firm  
245 Park Avenue, 27th Floor  
New York, New York 10167

**MARC S. DREIER**

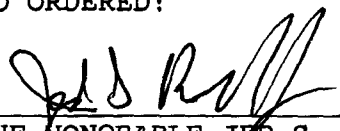
Defendant

By: \_\_\_\_\_

GERALD L. SHARGEL, ESQ.  
Attorney for Marc Dreier  
570 Lexington Avenue, 45<sup>th</sup> Floor  
New York, New York 10022

DATE

SO ORDERED:

  
\_\_\_\_\_  
THE HONORABLE JED S. RAKOFF  
UNITED STATES DISTRICT JUDGE

6-22-09